IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 528/2000

SHIV PRASAD GOSWAMI Vs. STATE OF RAJASTHAN

Date of order: 28.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.R. Surana for the petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.

****

The present criminal revision petition under Section 397 Cr.P.C. is preferred by the petitioner against the order dated 21.08.2000 passed by the Special Judge (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur City, Jaipur in Sessions Case No. 77/97, by which the Court below has framed the charges against the petitioner for the offence under Section 27-A, 27-D, 18-A r/w Section 28 of the Drugs & Cosmetics Act, Sections 78 and 79 of the Trade & Mercantise Act, Section 63 of the Copyright Act and Sections 420, 468, 471, 473, 120-B IPC.

The main grievance of the petitioner is that arising out of the same offence trial was already concluded by the Additional Civil Judge, Jaipur City, Jaipur and the accused-petitioner has been acquitted

from the charges of offences under Sections 18-A(1), 27-A, 27-D and 28 of the Drugs & Cosmetics Act and the Special Judge has not considered this aspect while passing the order impugned dated 21.08.2000, although the fact of pendency of the complaint/case has been mentioned in para-7 of the impugned order.

Having heard learned counsel for the petitioner, learned Public Prosecutor for the State and upon careful perusal of the order impugned dated 21.08.2000, it appears that while framing the charges under the aforesaid offences, the Special Judge has not properly considered this aspect and the submissions which are raised on behalf of the petitioner.

Therefore, in the interest of justice, I deem it proper to quash and set-aside the impugned order dated 21.08.2000 and remand the matter back to the Special Judge (Sati Niwaran) Rajasthan & Additional Sessions Judge, Jaipur City, Jaipur for fresh adjudication after giving opportunity of being heard to the parties and considering the submissions which are raised on behalf of the petitioner and the judgment passed by the Additional Civil Judge, Jaipur and considering each and every aspect, shall pass fresh order in accordance with the provisions of law.

With these observations, the revision petition stands disposed of.

(K.S. RATHORE),J.

/KKC/